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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/613,186   | 07/03/2003  | Lyle C. Bungert      | 2968.233USUI        | 6551             |
| 23552  | 7590        | 03/03/2005           | EXAMINER            |                  |
| MERCHANT & GOULD PC<br>P.O. BOX 2903<br>MINNEAPOLIS, MN 55402-0903 |             |                      | WILLIAMS, KEVIN D   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2854                |                  |

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/613,186 | <b>Applicant(s)</b><br>BUNGERT ET AL. |  |
|                              | <b>Examiner</b><br>Kevin D. Williams | <b>Art Unit</b><br>2854               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 23-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/29/03;12/04/03</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 11-14, 23, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi (US 6,595,710).

Hayashi teaches a supply item comprising a handle portion 31 having first and second opposite end regions, a supply spindle 36 rotatably mounted to the handle portion at the first end region for rotation about a first rotation axis, the supply spindle having a first end (at 42b,45) adjacent the handle portion and a second end (at 43) spaced from the first end, a first pin 42 projecting past the second end of the supply spindle generally parallel to the first rotation axis, a take-up spindle 38 rotatably mounted to the handle portion at the second end region for rotation about a second rotation axis, the take-up spindle having a first end (at 47) adjacent the handle portion and a second end (at 46a; Fig. 10b) spaced from the first end thereof, a second pin 51 projecting past the second end of the take-up spindle generally parallel to the second rotation axis where when viewed in an end plan view the second pin has a geometry that is different than a geometry of the first pin (Fig. 8), when viewed in an end plan view

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the second pin has a maximum dimension that is less than a maximum dimension of the first pin, the area of the second pin being less than the area of the first pin, a handle connected to the handle portion intermediate the end regions and having an upwardly curved upper surface (Fig. 8);

a supply cylinder 40 having first and second ends, the first end (left side as indicated in Fig. 8) defining an opening having a first geometry that permits passage of the first pin 42, a take-up cylinder 41 having first and second ends, the first end (left side as indicated in Fig. 8) of the take-up cylinder defining an opening having a second geometry (at 60,62) that permits passage of the second pin 51, the second geometry being different than the first geometry, a web material wound onto the supply cylinder and including a take-up end that is attachable to the take-up cylinder, the opening in the first end of the supply cylinder defining a first area, the opening in the first end of the take-up cylinder defining a second area, the web being a multicolor print ribbon 21 that is one of a cleaning ribbon, a holographic overlay, and a laminate material, the second end of the supply cylinder defining an opening having a third area and the second end of the take-up cylinder defining an opening having a fourth area where the third area is substantially equal to the fourth area (Fig. 8), the first end of the take-up cylinder being closed by a wall and the second geometry being defined in the wall, the wall comprising a cap 56 that is attached to the take-up cylinder at the first end, where the first end of the supply cylinder being closed by a wall and the first geometry being defined in the wall, the wall comprising a cap (end wall of the supply cylinder) that is attached to the supply cylinder at the first end thereof.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 7-10, 24, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Reguera (US 6,422,770).

Hayashi teaches the claimed invention except for the area of the opening in the first end of the take-up cylinder being less than the area of the opening in the first end of the supply cylinder. Hayashi teaches the reverse, where the opening in the take-up cylinder is larger than the opening in the supply cylinder.

Reguera teaches the area of an opening (Fig. 2 with notches 36) in a first end of a take-up cylinder 16 being less than an area of an opening (Fig. 2 with notches 30,32) in a first end of a supply cylinder 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hayashi to have the supply cylinder and take-up cylinder arrangement as taught by Reguera, since the arrangement taught by Reguera will function equally as well as the arrangement taught by Hayashi.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (571)

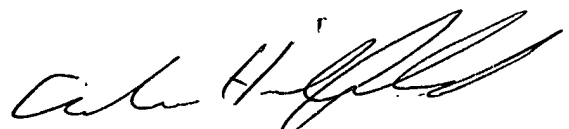
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272-2172. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDW  
February 18, 2005



ANDREW H. HIRSHFELD  
SUPERVISORY PATENT EXAMINER  
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